

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ADAM WINNINGHAM,

Plaintiff,

v.

KING COUNTY, *et al.*,

Defendants.

Case No. C14-1052-RAJ-JPD

REPORT AND RECOMMENDATION

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff submitted his complaint to the Court for filing on July 11, 2014 while he was confined at the King County Correctional Facility in Seattle, Washington. (*See* Dkt. 1.) On August 12, 2014, this Court issued an Order declining to serve plaintiff's complaint and granting him leave to file an amended complaint. (Dkt. 7.) On August 28, 2014, the copy of the Order mailed to plaintiff at his address of record was returned by the post office with a notation indicating that the mail was not deliverable, apparently because plaintiff had been released from the King County Correctional Facility. (*See* Dkt. 8.) To date, plaintiff has not provided the Court with an updated address.

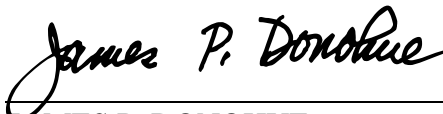
REPORT AND RECOMMENDATION - 1

1 Because over sixty days have passed since mail directed to plaintiff at his address of  
2 record was returned by the post office, and because plaintiff has not notified the Court of his  
3 current address, this action should be dismissed, without prejudice, for failure to prosecute  
4 pursuant to Local Rule CR 41(b)(2). A proposed order accompanies this Report and  
5 Recommendation.

6 Objections to this Report and Recommendation, if any, should be filed with the Clerk and  
7 served upon all parties to this suit by no later than **December 8, 2014**. Failure to file objections  
8 within the specified time may affect your right to appeal. Objections should be noted for  
9 consideration on the District Judge's motion calendar for the third Friday after they are filed.  
10 Responses to objections may be filed within **fourteen (14)** days after service of objections. If no  
11 timely objections are filed, the matter will be ready for consideration by the District Judge on  
12 **December 12, 2014**.

13 This Report and Recommendation is not an appealable order. Thus, a notice of appeal  
14 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the  
15 assigned District Judge acts on this Report and Recommendation.

16 DATED this 17th day of November, 2014.

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18 JAMES P. DONOHUE  
19 United States Magistrate Judge  
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